REMARKS

Claim 1, 4, 5, 8, and 17-26 are all the claims pending. Claim 26 is new. The remaining

claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyoda et al. (6,507,415

in view of Yamamoto (6,061,150)). We recommend traversing the grounds of rejection.

Examiner Interview

Applicant thanks the Examiner for an useful interview on December 16, 2008. Counsel

for Applicant and the Examiner discussed claim 1.

Claim 1 recites in part:

> selection process means for selecting one or more of the
> composite image, original images, or combining data as output
> data based on an output destination device specified as the
> destination for image transmission,
>   wherein the selection process means further comprises (a)
> or (b):
>   (a) selecting output data based on predetermined attributes
> of the output destination device;
>   (b) selecting output data based on an output data selection
> table that associates

Toyoda discloses a system for joining pieces of an image scanned separately. In one

mode, the system determines if the number of matching points is above a threshold. If it is not,

then the images are joined by placing then adjacent to each other; otherwise, a composite image

is formed (column 18, lines 38-46). However, this determination cannot reasonably disclose a

"selection process means for selecting ... based on an output destination device specified as the

destination for image transmission". In Toyoda, a determination is made based on the properties

of the images as determined during processing. There is no relationship to the output destination

device.

This deficiency is not remedied by Yamamoto. The Examiner cites Yamamoto for the property of "selecting output data based on predetermined attributes of the output destination device" as recited in claim 1. Yamamoto discloses that a user can add attributes such as "urgent" or "normal" to a job (column 25, lines 18-20). When a particular attribute data is present, the output of that data can be changed from a designated output to file section 5 where image processing is performed, and a duplicate copy of the image is held in the file section 5. Without the designation, the image is sent to the original destination (column 25, lines 41-46). This is not, as the Examiner asserts, "selecting output data based on predetermined attributes of the output destination device", but rather selecting an output method based on attributes attached to a job by an operator. Claim 1 is therefore patentable over the cited references.

Agreement was reached that the references do not teach the features of claim 1. The Examiner agreed to withdraw the grounds of rejection. It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.
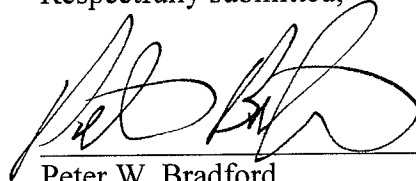
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

Peter W. Bradford
Registration No. 59,080

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 18, 2008